

TO: Air Quality Board

THROUGH: Bryce C. Bird, Executive Secretary

FROM: Alan Humpherys, Minor New Source Review Section Manager

DATE: November 7, 2018

SUBJECT: PROPOSE FOR PUBLIC COMMENT: Amend R307-101-2. Definitions.

In 2014, the Utah Legislature passed House Bill 31 (H.B. 31) during their General Session. H.B. 31 removed the definition of “Facility” from Utah Code 19-2-102. This same definition of “Facility” was included in R307-101-2 to match the definition in the statute. Because the Legislature removed this definition from the statute, the same definition should be removed from R307-101-2.

The dictionary defines “facility” as “*something that is built, installed, or established to serve a particular purpose.*” The definition of “facility” in R307-101-2 is as follows:

“Facility” means machinery, equipment, structures of any part or accessories thereof, installed or acquired for the primary purpose of controlling or disposing of air pollution. It does not include an air conditioner, fan or other similar device for the comfort of personnel.

R307-101-2 identifies the primary purpose of a facility to be the control or disposal of air pollution. DAQ conducted a review of the use of “facility” in all the rules in R307 where the term is used 269 times (See attachment A). With the exception of the definition of “facility” in R307-101-2, each use of the word facility did not imply or specifically require something that included the control or disposal of air pollution.

Recommendation: Staff recommends that the Board propose amended rule R307-101-2 for public comment.

Attachment A: Summarization of the use of “Facility” in R307.

ATTACHMENT A

Summarization of the use of “Facility” in R307

Rule R307-	Rule Title	Times Used	Changed Needed	Explanation
<i>101</i>	General Requirements (Definition of "Facility")	1	Yes	2014 - HB 31 removed the definition of "facility" from the statute. Therefore, the definition of "facility" should be removed from R307-101.
<i>101</i>	General Requirements (other uses of "Facility")	7	No	Term is used in the federal definition of "clean coal technology," "Electric utility steam generating unit," "Secondary emissions," "Stationary source," and "Building, structure, facility, or installation." Term is also used as a mean a location or plant. The use matches the dictionary definition, not the definition specified in R307-101; therefore, the defined term in R307-101 does not apply to these other uses.
<i>120</i>	General Requirements: Tax Exemption for Air Pollution Control Equipment	15	No	"Pollution control facility" is defined in the rule. Other uses match the statute (19-12-303). The defined term in R307-101 does not apply.
<i>150</i>	Emission Inventories	1	No	Used in the term "well production facility". The defined term in R307-101 does not apply.
<i>170</i>	Rule R307-170. Continuous Emission Monitoring Program.	1	No	The term is referring to a fossil fuel fired steam generator greater than 1000 million BTU per hour heat input. The defined term in R307-101 does not apply.
<i>201</i>	Emission Standards: General Emission Standards.	2	No	The term is used to mean a emission unit or source. The use matches the dictionary definition, not the definition in R307-101; therefore, the defined term in R307-101 does not apply.
<i>204</i>	Emission Standards: Smoke Management.	1	No	Included in the definition of "Wildland". (transporation or conveyance facilities) The defined term in R307-101 does not apply.
<i>208</i>	Outdoor Wood Boilers.	1	No	The term is "day care facility." The defined term in R307-101 does not apply.

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214	National Emission Standards for Hazardous Air Pollutants.	9	No	Facility is specifically copied from federal regulations. The defined term in R307-101 does not apply.
220	Emission Standards: Plan for Designated Facilities.	2	No	Included in title of rule. References four source categories or "facilities" as used in the rule. The four categories are: Municipal Solid Waste Landfills, Hospital, Medical, Infectious Waste Incinerators, Small Municipal Waste Combustion Units, and Coal-Fired Electric Generating Units. These are sources; therefore, the defined term in R307-101 does not apply.
222	Emission Standards: Existing Incinerators for Hospital, Medical, Infectious Waste.	1	No	The specific meaning of "facility" in R307-222 is a incinerator for hospital, medical, or infectious waste. The defined term in R307-101 does not apply.
223	Emission Standards: Existing Small Municipal Waste Combustion Units.	1	No	The specific meaning of "facility" in R307-223 is a small municipal waste combustion units that combust less than 11 tons per day. The defined term in R307-101 does not apply.
224	Mercury Emission Standards: Coal-Fired Electric Generating Units.	1	No	Term is "Designated Facilities Plan" as used in rule R307-220. The defined term in R307-101 does not apply.
250	Western Backstop Sulfur Dioxide Trading Program.	3	No	The term is used to mean a location, plant, or source. The use matches the dictionary definition, not the definition in R307-101; therefore, the defined term in R307-101 does not apply.
305	Nonattainment and Maintenance Areas for PM10: Emission Standards.	2	No	The term is used to mean a emission unit or source. The use matches the dictionary definition, not the definition in R307-101; therefore, the defined term in R307-101 does not apply.

Rule R307-	Rule Title	Times Used	Changed Needed	Explanation
312	Aggregate Processing Operations for PM2.5 Nonattainment Areas.	2	No	The term is used to describe a "concrete batch plant" and a "hot mix asphalt plant." The use matches the dictionary definition, not the definition in R307-101; therefore, the defined term in R307-101 does not apply.
320	Ozone Maintenance Areas and Ogden City: Employer-Based Trip Reduction Program.	3	No	The term is used for "general work site," on-site facility improvements," and "on-site day care facilities." The use matches the dictionary definition, not the definition in R307-101; therefore, the defined term in R307-101 does not apply.
327	Ozone Nonattainment and Maintenance Areas: Petroleum Liquid Storage.	2	No	The term is used for "liquid storage facility." The use matches the dictionary definition, not the definition in R307-101; therefore, the defined term in R307-101 does not apply.
328	Gasoline Transfer and Storage.	10	No	Term is used as a gasoline dispensing facility. The use matches the dictionary definition, not the definition in R307-101; therefore, the defined term in R307-101 does not apply.
335	Degreasing.	3	No	Term is used as a cold cleaning facility and a drainage facility. The use matches the dictionary definition, not the definition in R307-101; therefore, the defined term in R307-101 does not apply.
342	Adhesives and Sealants.	3	No	Term is used as an fiberglass boat manufacturing facility, a reinforced plastic composite manufacturing facility, and source-wide or site wide. The use matches the dictionary definition, not the definition in R307-101; therefore, the defined term in R307-101 does not apply.

Rule R307-	Rule Title	Times Used	Changed Needed	Explanation
350	Miscellaneous Metal Parts and Products Coatings.	1	No	The term is used to mean a location or plant where VOC containing coatings are applied to metal parts and products. The use matches the dictionary definition, not the definition in R307-101; therefore, the defined term in R307-101 does not apply.
351	Graphic Arts.	1	No	The term is used to mean a location or plant where packaging and publication rotogravure; packaging and publication flexographic, and specialty printing operations occur. The use matches the dictionary definition, not the definition in R307-101; therefore, the defined term in R307-101 does not apply.
354	Automotive Refinishing Coatings.	1	No	The term is used in the definition of "automotive refinishing" and refers to a plant or location. The use matches the dictionary definition, not the definition in R307-101; therefore, the defined term in R307-101 does not apply.
355	Control of Emissions from Aerospace Manufacture and Rework Facilities.	7	No	Used in rule as ""Aerospace manufacture and rework facility" and "General aviation rework facility." The defined term in R307-101 does not apply.
357	Consumer Products.	2	No	Term is used as an industrial facility and an institutional facility. The use matches the dictionary definition, not the definition in R307-101; therefore, the defined term in R307-101 does not apply.
401	Permit: New and Modified Sources.	4	No	Part of a defined term or included in the federal definition. The defined term in R307-101 does not apply.
415	Permits: Operating Permit Requirements.	12	No	Used in a federal rule, or federally approved language as part of the Title V program. The defined term in R307-101 does not apply.
501	Oil and Gas Industry: General Provisions.	3	No	Used in the term "well production facility". The defined term in R307-101 does not apply.

Rule R307-	Rule Title	Times Used	Changed Needed	Explanation
502	Oil and Gas Industry: Pneumatic Controllers.	3	No	Used as "pneumatic controller affected facility", which is defined in NSPS Subpart OOOO. The defined term in R307-101 does not apply.
505	Oil and Gas Industry: Registration Requirements	2	No	Used in the term "well production facility". The requirement is for a source to register, not a facility. The defined term in R307-101 does not apply.
801	Utah Asbestos Rule.	82	No	Used in rule as "regulated facility," "residential facility," "AHERA facility," or "NESHAP facility," The defined term in R307-101 does not apply.
840	Lead-Based Paint Program Purpose, Applicability, and Definitions.	18	No	Used in rule as "Child-Occupied Facility." The defined term in R307-101 does not apply.
841	Residential Property and Child-Occupied Facility Renovation.	29	No	Used in rule as "Child-Occupied Facility." The defined term in R307-101 does not apply.
842	Lead-Based Paint Activities.	33	No	Used in rule as "Child-Occupied Facility." The defined term in R307-101 does not apply.